85-309

Supreme Court, U.S.
FILED
AUG 28 1985
JOSEPH F. SPANIOL, JR.
CLERK

CASE #

IN THE SUPREME COURT OF THE UNITED STATES

JANUARY, 1986 TERM

SHIRLEY E. ROUSSOS : APPELLANT PRO SE
VS.
RETINA CONSULTANTS, P.C.,: APPELLEES

ON APPEAL FROM THE COURT OF APPEALS
OF MARYLAND

JURISDICTIONAL STATEMENT

SHIRELY E. ROUSSOS,
APPELLANT PRO SE
10241 Ridgeline Drive
Gaithersburg, Maryland
20879
(301) 926-4879

ATTORNEYS FOR APPELLEES:
MICHAEL F. FLYNN, JR., ESQ.
GEOFFREY GAVETT, ESQ.
751 Rockville Pike, 15A
Rockville, Maryland
20852
(301) 424-8833

.1. (a)
JURISDICTIONAL
STATEMENT

QUESTIONS PRESENTED BY APPEAL

Has due process been denied to Appellant under the 14th Amendment to the constitution in this case in that the granting of a demurrer to the 5 stated causes of action on a basis that a cause of action in each of the five causes stated, was never stated, was so obviously against the law in the case, cited in the case by Appellant, which showed she had stated causes of action? Should, therefore, the Appeal Court have granted petition for certiorari, should the two courts below have dismissed the demurrer, requiring an answer from Appellees?

(b)

LIST OF PARTIES TO PROCEEDINGS

Shirley E. Roussos APPELLANT
1021 Ridgeline Dr.
Gaithersburg, Maryland
20879

vs.

Retina Consultants, P.C. APPELLEES
6410 Rockledge Drive (all
Bethesda, Maryland listed)

Stephen S. Pappas, President,M.D.
Resident Agent,
Employer, Director
Retina Consultants
6410 Rockledge Dr.,
St. 312
Bethesda, Maryland 20817

Lawrence M. King, M.D.
Director, Treasurer
Personnel Director,
Employer
6410 Rockledge Drive
Bethesda, Maryland 20817

Robert F. Stephens, M.D.
Employer
Retina Consultants, P.C.
6410 Rockledge Drive
Bethesda, Maryland 20817

Mary Jane Woodward
Office Manager,
Business Manager
Retina Consultants, P.C.
6410 Rockledge Drive (312)
Bethesda, Maryland

Beth Lyon, Secretary
6410 Rockledge Drive (312)
Bethesda, Maryland 20817

Janice Cocklereece, Technician
Trainee
6410 Rockledge Drive
Bethesda, Maryland

Michael Flory,
Technician Trainee
6410 Rockledge Dr. (312)
Bethesda, Maryland
(Home Address:
110130 Becentre Lake Drive
Reston, Virginia)

Jim Neitzel, Technician
6410 Rockledge Drive (312)
Bethesda, Maryland

Shari Porter,
Receptionist Trainee
6410 Rockledge Drive
Bethesda, Maryland

Linda Colvin, Bookkeeper
6410 Rockledge Drive (312)
Bethesda, Maryland

Ken Graham, Photo Developer
6410 Rockledge Drive (312)
Bethesda, Maryland

Barbara McClafferty,
Receptionist to 2/24/82
6410 Rockledge Drive (312)
Bethesda, Maryland
(home address: Farm House RD.
Frederick, Maryland)

Jill Berman, Receptionist
Trainee
6410 Rockledge Drive (312)
Bethesda, Maryland
(Home: 982 Hyde Rd.
Silver Spring, Maryland)

TABLE OF CONTENTS

Official, Unofficial Reports...6

Statement of the Grounds on Which the Jurisdiction of this Court is invoked 7

Concise Statement of Case.....8

Why Questions Presented Are So Substantial As to Require Plenary Consideration, with Briefs on the Merits and Oral Argument for their Resolution..9

(d)

OFFICIAL AND UNOFFICIAL REPORTS

Appellant knows of no official or unofficial reports of any opinions delivered in the courts below.

STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS COURT IS INVOKED

(i) Denial of Maryland Court of Appeals to grant a petition for certiorari to review the decisions of the Maryland Court of Special Appeals Below and the Circuit Court of Montgomery County below in that Md. and Federal Constitutional rights were violated in that the findings were in opposition to the law, obviously and grossly so.

Also sought is a review of the decisions of the two courts below.

Grounds: 14th Amendment to Federal Constitution - right to due process violated - right to fair judicial proceedings and right to fair trial.

(ii)

Date of Entries sought

to be reviewed:

5/27/85: Order/Judgement of the Court of Appeals of Maryland denying petition 704 for certiorari.

(for review)
2/8/85: Order/Opinion/ Judgement of Judges James C. Morton, Jr., Moylan and Bloom of the Maryland Court of Special Appeals, Affirming the Montgomery County, Maryland Circuit Court's granting of a demurrer to all 5 causes of action in appellant's case. (Appeal 401)

1/13/84: Order/Judgement of Judge L. Leonard Reuben of Montgomery County, Maryland Circuit Court granting a demurrer to appellant's case on grounds claimed that a legal cause of action had not been stated.

2/14/84: Order/Judgement Same as above on rehearing

9/28/83 ruling of Judge William Cave sustaining defendant's demurrer but allowing 30 days to amend when a main defendant was his eye doctor who had performed surgery on him.

DATE NOTICE OF APPEAL
WAS FILED:

7/24/85

COURT FILED IN:

MARYLAND COURT OF APPEALS

with copies to Maryland
Court of Special Appeals,
Montgomery County Circuit
Court, Supreme Court and
Counsel for Appellees listed
on front cover.

(iii)
THE STATUTORY PROVISION
BELIEVED TO CONFER JURISDIC-
TION OF THE APPEAL ON THIS COURT

14th Amendment to the Constitu-
tion: That no man shall be de-
prived of life, liberty or
property without due process
of law.

(f)
CONSTITUTIONAL
PROVISIONS

As above (iii of e)

(g)

CONCISE STATEMENT OF CASE

Appellant sued the parties listed in this case in July of 1983 for Libel Per Se and conspiracy to interfere with the employment of appellant (Dr. King alone was sued for libel per se in the initial suit) and Judge Cave ruled 9/28/83 granting demurrer on grounds a cause of action had not been stated. He alowed 30 days to amend. Appellant asked that it be given to another judge when Judge Cave stated he would not rule on future

hearings, because he felt himself to be disqualified because a main defendant, Dr. Stephen S. Pappas, was his eye doctor, had operated on his eye. Appellant felt if he was disqualified, he was disqualified from all rulings, and another judge should rule on the hearing for demurrer, because he might have denied the demurrer. The judge declined to give it to another judge.

On 1/13/84 and 2/14/84 rehearing, Judge L. Leonard Reuben granted appellees' demurrer to the amended 5 count suit (Libel per se, 2 counts slander per se, Conspiracy to inter-

fere with employment and
wrongful termination)
on Appellees' grounds
a cause of action had
not been stated in all
5 causes. Appellant
gave all the law to
support that a cause of
action had been stated.
on 2/8/84, Judges James
C. Morton, Jr., Moylan
and Bloom issued an
opinion/judgement that
affirmed the lower Court's
decision. All law given
by appellant supported
that 5 causes of action
had been stated.

Appellant appealed in a petition for Certiorari to the Maryland Court of Appeals, pointing out that the Maryland and Federal constitutions granting due process had been breached in that the rulings were obviously against the law in the case given in Appellant's papers. On 5/27/85 Judge Robert C. Murphy denied petition 704 for certiorari, cimply saying "there has been no showing that review by certioraris is desirable and in the public interest.

In all three courts, appellant argued the law and inferred that constitutionally (State & Fed) her rights would be breached to grant demurrer on grounds "no cause of action is stated" when the law clearly showed a cause of action had been stated and this law was brought out in appellant's papers. In the Court of Appeals the constitutional issue was raised in the petition and reply to appellees' answer. The Courts' rulings were as described above.

(h)

WHY QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION, WITH BRIEFS ON THE MERITS AND ORAL ARGUMENT FOR THEIR RESOLUTION

The question of whether Appellant's due process was violated by rulings obviously in opposition to the law in the case is presented. A question of lower (below Supreme Court) rulings so obviously in conflict with the law represent rulings in prejudice, abuse of discretion, as well as error at law and needs to be resolved by plenary consideration with briefs on the merits and oral argument to assure due process is upheld in the lower courts.

APPENDIX

Decree/Order Appealed From 17

Appeal 401 - Opinion of (2/8/85)
Court of Special Appeals 18A

Opinion 9/28/83 of Judge Cave
Circuit Court 9/28/83.....35

Opinion of Judge L. Leonard
Ruben, Circuit Court Montgomery
Coutny, Maryland 1/13/84
Demurrer Hearing 42

Notice of Appeal.....45

DECREE/ORDER APPEALED FROM:

Shirley E. Roussos

v.

Retina Consultants, P.C., et al

In the

COURT OF APPEALS

of MARYLAND

Petition Docket No. 704

September Term, 1984

(No. 401, September Term, 1984

Court of Special Appeals

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the response and reply filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

(typed, no signature)
/s/ Robert C. Murphy
CHIEF JUDGE

Date: May 27, 1985

IN THE MARYLAND COURT SPECIAL APPEALS
SHIRLEY E. ROUSSOS APPELLANT PRO SE

vs.

RETINA CONSULTANTS, P.C.
et al
APPELLEES

APPEAL 401
OPINION

SHIRELY E. ROUSSOS
APPELLANT
10241 Ridgeline Drive
Gaithersburg, Maryland
20879
(301) 926-4879

ATTORNEYS FOR APPELLEES:
MICHAEL F. FLYNN, JR., ESQ.
GEOFFREY GAVETT, ESQ.
751 Rockville Pike, 15A
Rockville, Maryland
20852
(301) 424-8833

OPINION OF SPECIAL APPEAL
COURT OF MARYLAND (MARYLAND
COURT OF SPECIAL APPEALS:

UNREPORTED
IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 401

September Term, 1984

SHIRLEY E. ROUSSOS

v.

RETINA CONSULTANTS, P.C.

ET AL

Uudges Moylan, Bloom, Morton,
James C. Jr. (Retired, Specially
Assigned) J.J.

PER CURIAM

Filed: February 8, 1985

The Circuit Court for Montgomery County sustained, without leave to amend, a demurrer to an amended declaration in tort filed by the appellant, Shirely E. Roussos, against the appellees, her former e-ployer, Retina Consultants, P.C., its three physician members, and several of its employees. From that decision as well as from denials of various motions she filed in the proceedings, Mrs. Roussos appealed. Finding no error in any of the court's rulings, we affirm.

Retina Consultants, P.C., is a professional corporation founded by Drs. Lawrence M. King, Robert F. Stephens and Stephen s. Pappas, all of whom are physicians specializing in ophthalmology. Appellant was

employed by the corporation as a secretary in April 1982. On February 24, 1983, Dr. King, who served as personnel director for the firm, prepared and delivered to appellant a memorandum, advising her that because her conduct in the office was disruptive and created poor morale among the office staff, her employment would be terminated if there were no improvement in her conduct. A copy of the memorandum was also given to appellee Mary Jane Woodward, the office manager.

Four days later, appellant's employment was terminated by Retina Consultants. Shortly thereafter, Mrs. Roussos filed suit alleging that she had been slandered by all of the defendants/appellees. In sustaining a demurrer to that declaration with

leave to amend, Judge William Cave stated that he would disqualify himself from making any further decisions in the case because one of the defendant physicians had performed surgery on his eye. He did not disqualify himself from ruling on the demurrer because he was convinced that the declaration was so clearly deficient any judge would make the same ruling.

Mrs. Roussos appealed Judge Cave's ruling to this court. The appellees filed a motion to dismiss the appeal which we granted because the appeal was not taken from a final order. Just prior to our dismissal of that appeal, Mrs. Roussos filed a motion "to remove this case upon return, to another county, such as Carroll," claiming that the judges in Montgomery County:are reluctantto tolerate an imperfect pro se." That motion

was denied.

Appellant then filed an amended declaration, in which she attempted to allege libel, slander, conspiracy to interfere with her employment, and wrongful discharge.

Appellees demurred to the amended declaration. A hearing was held before Judge Leonard Ruben, who sustained the demurrer as to all counts without leave to amend.

Undaunted, appellant them moved for "change of court for future hearings on this case and all cases arising out of plaintiff's employment with Retina Consultants." She also moved to vacate Judge Ruben's order sustaining the demurrer without leave to amend. Judge Ruben refused to vacate his original order, and a timely appeal to this Court was noted.

The following issues are raised by appelalnt:

1. Should Judge Cave have disqualified himself before sustaining appellees' demurrer with leave to amnd although he was a patient of one of the appellees?

II. Was Judge Cave's decision to sustain appellees' demurrer with leave to amend in error and, if so, was this error one which impaired appellant's right to a fair trial?

III. Because of Judge Cave's connection to the appellees, should the change of venue requested by appellant have been granted?

IV. Did appellant state a cauuse of action as to all counts in her amended declaration?

V. Did Judge Ruben show prejudice in his ruling by failing to list reasons why appellees' demurrer should be granted without leave to amend?

VI. Were attorney fees improperly granted?

VII. Should the change of venue requested after the demurrer was sustained without leave to amend have been granted?

We shall answer "no" to all seven questions and affirm.

I. Disqualification of Judge Cave

Appellant asserts that Judge Cave's failure to disqualify himself before he ruled on the first demurrer constituted error. We do not agree.

Mandatory disqualification by a judge is only required in cases where the judge may have a pecuniary interest in the outcome, or in cases "where either of the parties may be connected with him, by affinity or consanguinity...or where he shall have been of counsel in the case." Article IV, §7, Constitution of Maryland; Edwardsen v. State,

243 Md. 131 (1966). Thus, Judge Cave was well within the constitutional bounds in ruling on the demurrer before him. He claimed that he ruled on the demurrer prior to disqualification to save time, as any other judge would have decided to sustain as he did. We find no error in that decision.

II. Sustaining First Demurrer

Appellant next maintains that Judge Cave erroneously sustained appellees' demurrer with thirty days leave to amend. As appellant amended her declaration after the judge's ruling, we must consider the original declaration as withdrawn, and the issue is accordingly not properly before us. Shapiro v. Sherwood, 254 Md. 235 (1969).

III. Change of Venue

Appellant's third contention is bottomed on the denial by this Court of a change of venue from Montgomery County. Specifically, she urges that Judge Cave's connection with the case before him was proper grounds for a grant of a change of venue.

There is no merit in this contention.

Any party may file a motion for removal together with an affidavit alleging that he cannot receive a fair and impartial trial in the county in which the action is pending. If the court finds that there is reasonable ground to believe the allegation is correct, it shall order that the action be removed for trial to a court of another county.

The reason asserted by appellant for her request that the case be removed from Montgomery County was inadequate to justify a change of venue, which is based upon the need for an impartial jury, not the need for a different judge. Johnson v. State, @%* Md. 597 (1970) modified, 408 U.S. 937 (19720; ooke v. Cooke, 41 Md. 362 (1875).

IV. Amended Declaration

Appellant also asserts that Judge Ruben's decision to sustain appellees' demurrer to her amended declaration without leave to amend was in error. The amended declaration was inartfully drawn, but it appears to be an attempt to allege the torts of libel, slander, wrongful discharge, and civil conspiracy.

We do not propose to repeat the allegations of the amended declaration at this juncture, but it is obvious that the memo prepared by Dr. King and presented to appellant concerning her conduct at work was the basis of all the torts she attempted to set forth.

As regards the tort of defamation, in order to withstand demurrer, a declaration must allege:

> (1) a false and defamatory communication a) which the maker knows is false and knows that it defames the other, or b) that the maker has acted in reckless disregard of these matters, or c) that the maker has acted negligently in failing to ascertain them, and 2) that the statement was one which appears on its face to be defamatory,...and 3) allegations of damages with some particularity...

Nistico v. Mosler Safe Co., 43 Md. App. 361, 365-6 (1979). Appellant's amended declaration does not even come close to alleging all that Nistico requires.

To set forth the tort of wrongful discharge, a declaration must contain allegations that the employee's termination "contravenes some clear mandate of public policy..." Adler v. American Standard Corp.: 291 Md. 31, 47 (1981). Appellant's declaration contains no such allegations.

Finally, the tort of civil conspiracy "is a combination of two or more persons by an agreement or understanding to accomplish an unlawful act or to use unlawful means to accomplish an act not in itself illegal, with

with the further requirement that the act or the means employed must result in damages..." Green v. Washington Suburban Sanitary Commission, 259 Md. 206, 221 (1970).

It is clear to us from reading the amended declaration that no amount of additional amendment would enable appellant to set forth causes of action for civil conspiracy, defamation, or wrongful discharge. The conduct complained of was simply not tortious. Accordingly, Judge Ruben did not err in sustaining the demurrer without leave to amend.

V. Failure to List Reasons Why Demurrer Should be Sustained

Appellant next maintains that Judge Ruben's failure to articulate reasons why appellees' demurrer should be sustained without leave to amend constituted error. It seems from reading appellant's brief that she is under the impression that a lack of an explanation of the bases for sustaining the demurrer especially prejudiced her as a pro se party. We know of no rule of law granting any special consideration to pro se parties. Md. Rule 2-522 (a) requires the judge in a contested court trial to state the reasons for his decision, but there is no requirement for a judge to state his reasons for sustaining a demurrer. Appellant's fifth contention is meritless.

VI. Attorney Fees

Appellant argues that attorney's fees were improperly assessed against

her in the case below. We cannot find in the record any motion by the appellees requesting or any order granting attorney's fees. The issue was not decided below and is not properly before us. Md. Rule 1085.

VII. Change of Venue

Appellant's final contention is that the change of venue she requested after appellees' demurrer to her amended declaration was sustained without leave to amend was not granted. As the sustainign of a demurrer without leave to amend constitutess a final judgment, former Md. Rule 345 (e), there could be no error in failing to grant a change of venue. Under no circumstances can

there be a need to remove a case which has already been decided.

JUDGEMENT AFFIRMED.

COSTS TO BE PAID BY THE APPELLANT

OPINION 9/28/83

Of Judge Cave
Circuit Court Montgomery
County, Md.

as excerpted from
transcript. 9/28/83

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, MD.

Shirley E. Roussos,
Appellant
v.
Retina Consultants,
P.C., et al
Appellees

DEMURRER HEARING

For Appellant:
ProSe:
Shirley E. Roussos
10241 Ridgeline Dr.
Gaithersburg, Md.

For Appellees:
Michael Flynn,
751 Hungerford Dr.
Rockville, Maryalnd
20852

PROCEEDINGS

The Court: This matter is here before me on the Demurrer to the Declaration.....

line 17, p. 3 of transcript, p. 21 in brief:

I had considered notifying the parties yesterday that it would be necessary for me to disqualify myself from hearing this. However, in looking at it, it would not make any difference because the declaration -- no matter who it came in front of-- is clearly deficient.

It just does not set forth the cause of action, and in

that regard, then, I decided I would hear the Demur, which I must grant, with leave to amend. However, I will disqualify myself from any further proceedings in this matter.

p. 4 (22) line 4-6: The Court: Because of my association with Retina Consultants. Dr. Pappas performed an operation for a detached Retina.

Mrs. Roussos: Could the Demurrer be heard by someone else?

The Court: Pardon?

Mrs. Roussos: Could the Demurrer be heaRD BY SOMEONE else?

The Court: It could be, but the result would be the same.

That's what I said, it is no sense bringing you back before anyone else -- what I am saying is -- you have to set forth the requirements, set forth in the declaration, the necessary elements to show a cause of action for defamation.

Line 18:

The Court: It just hasn't been done. It has to show the words were published by somebody other than yourself--

Line 21, THE COURT:

Well, it has to set forth the words, the nature of the alleged libel, and I can't give you all of them because then I would be advising you.

p. 6: THE COURT:

line 5: The Court: You have to

allege all of those things and allge what the basis is as to all of the other people.

COURT, P. 6, line 13:

What about all of the other people-

Line 19: See, you set forth -- you said "charge: slander" and then you have a bunch of things aobut the damages but it says, "All of the above Defendants are charged with slander by making the false statement that Plaintiff, Shirley Rousssos, had conduct disruptive of the office, she lowered the morale. The statement is untrue. All of the Defendants knew it. Attached is statement Dr. King preseted in writing." It really doesn't set forth sufficient specifics as to by whom the statements

were made, and how it amounts to slander, so I will sustain the DemUr
Line 5-6 And I will give you leave to amend and file a Declaration which confomrs with the rules.
line 11-12: You get an opportunit to file an appropriate Declaration This one is jsut deficient.
Line 15-16: Court: As a matter of law, Miss Roussos, it is jsut deficient.
line 19-23 (p.7(22) Court: Well, you should talk to an attorney then because your interpretation of the law is inaccurate. It just does not set forth a cause of action. I will sustain the Demur with -- how long did you need to file another declaration?

Mrs. Roussos: Thirty days

THE COURT: All right, thirty days leave then.

IN THE CIRCUIT COURT OF

MONTGOMERY COUNTY, MARYLAND

Shirely E. Roussos Law 64476
Appellant

v.

Retina Consultants
P.C., et al Appellees

OPINION OF JUDGE L LEONARD
RUBEN, 1/13/84 Demurrer
Hearing

(at rehearing 1/14/84, no
additional opinion added)

For Appellant:
Shirley E. Roussos
Pro Se
10241 Ridgeline Dr.
Gaithersburg, Md.
20879
(301) 926-4879

For Appellees:
Geoffrey Gavett, Esq.
Michael Flynn, Esq.
751 Rockville Pike, 15A
Rockville, Maryland 20852

(Dr. Ruben's only opinion in this demurrer decision is on p. 43 & 44 of the transcript):

The Court: All right. Thank you. Ms. Roussos. Let me just make two officious comments to you, Ms. Roussos. The Court does feel and has taken into consideration it is difficult for a person acting Pro Se in complicated matters such as this and that is why obviously I have given you all the

time you think you needed.

By the same token, you must understand that the other side in a case is not to be penalized because one party is Pro Se, and the other is represented by counsel. Second, let me advise you that every unfortunate result or action or interaction that takes place in our society is not actionable. That is the feeling of this Court.

I think Mr. Flynn's arguments are well taken, and I am sustaining his demurrer as to the Amended Declaration as to all counts, as to all parties, without leave to amend. Taank you very much.

(Whereupon, the hearing was concluded.)

There were no official orders or written opinions entered by Judge Ruben. 1/13/84 and 2/14/84 the official daily log of the record in the file noted that decision was made in favor of appellees, appellant to pay costs.

NOTICE OF APPEAL

FILED IN MARYLAND

COURT OF APPEALS

Copies were sent to Maryland Court of Special Appeals, Circuit Court of Montgomery County, Attorneys Michael F. Flynn, Jr. and Geoffrey Gavett for defendants and the Supreme and Circuit Courts.

FILED IN MD. COURT OF APPEALS ON (mailing date) July 24, 1985

IN THE COURT OF APPEALS OF MARYLAND

Shirley E. Roussos
Petitioner/Appellant

vs.

Retina Consultants, P.C. et al
Respondent/Appellee

Notice of Appeal to U.S.
Supreme Court of 5/27/85

Order denying certiorari on

Petition 704 which asked for

certiorari to review Appeal

401 and also to appeal the

lower court prior decisions

(Appeal 401 and Circuit L64476)

NOTICE OF APPEAL

of 5/27/85 Decision of Court of

Appeals of Maryland, Judge Robert

C. Murphy, denying petition
704 for review by certiorari of Appeal
401, and prior decisions

Petitioner Appellant hereby serves Notice of Appeal that the 5/27/85 order of Judge Murphy, Court of Appeals of Maryland denying petition 704 for review by certiorariof Appeal 401 of Maryland Court of Special Appeals is being appealed as are also the judgements of the Court of Special Appeals (2/8/85) -Judges James C. Morton, Jr., Moylan and Bloom and the decision of Circuit Court of Maryalnd (Montgomery Co.) Judge L. Leonard Reuben and William Cave, which judgement stated plaintiff/appellant had not stated a cause of action in her 5 cause suit for

libel per se, conspiracy to interfere with employment of plaintiff, slander per se of Dr. King, slander per se of certain employees, and wrongful termination.

JUDGEMENT APPEALED:

1. Judge Robert C. Murphy's (Chief Judge, Court of Appeals of Maryland) judgement/order of 5/27/85 denying petition 704 of petitioner appellant Shirley E. Roussos for review of judgement of Special Appeals Court, Case 401, and review of Circuit Court 1/13/84 and 2/14/84 decisions on Case L64476.

2. 2/8/85 Maryalnd Court of Special Appeals judgement by Judges James C. Morton, Jr., Moylan and Bloom, sustaining Judge Ruben's (Circuit

Court , Montgomery County,
Maryland) granting of a demurrer
(stating Plaintiff/Appellant had not
stated a cause of action in her 5
count civil suit 64476), judgement
and costs for defendants.
3. 1/13/84 and 2/14/84 (rehearing)
judgement of Judge Reuben for de-
fendants, costs agaisnt plaintiff,
granting defendant's demurrer, ruling
plaintiff/appellant had
not stated a cause of action, whic
was basis for defendants' demurrer
4. 9/28/83 ruling of Judge William
Cave sustaining defendants' demurrer
and giving plaintiff/appellant 30
days to amend, after stating that
he was disqualified to rule because
he was an eye surgey patient ofa main

defendant, Dr. Stephen S. Pappas, M.D., President and Principal Resident Agent and Employer and Director of Retina Consultants, plaitiff/ appellant's boss and person for whom she performed secretarial work.

PARTIES IN THE SUIT:

See attached copies of pages of suit declaration, naming parties.

STATUTES, CONSTITUTIONAL PROVISIONS WHICH INVOKE THE JURISDICTION OF THE SUPREME COURT

1. U. S. Constitution, 14th amendment: No man (woman presumed) shall be deprived of life, liberty or property without due process of law.

plaintiff/Appellant asserts her due process has been violated because it is exceedingly obvious that she has stated causes of action in the 5 named causes and the rulings of the Courts of Maryland were obviously contrary to law and fact so much so as to represent a violaion of this constitutional right to due process, and Judge Murphy's (Appeal Court, Md.) judgement not to grant certiorari in the face of this type of Maryland and Federal constitutional violatin presented by Plaintiff/Appellant, considering an allegation of obvious rulings contrary to fact and law and supporting facts and law htat causes of action had been stated -

saying this did not show review of certiorari was desirable in the interests of insuring plaintiff/appellant's constitutional rights constituted unfairness in judicial proceedings amounting to a deprivation of petitioner/appellant's constitutional rights to due process including fairness, which would include review of the case for determination of the conflict presented, when it represented possible violations of her constitutional rights and a shutting off of all 5 causes of action by the granting and sustaining of a demurrer which stated she had not stated a cause of action, when petitioner/appellant showed in her papers she had.

SHIRLEY E. ROUSSOS
APPELLANT PRO SE
10241 Ridgeline Drive
Gaithersburg, Maryland 20879
(301) 926-4879

(A list of the parties
and a certification of
service were attached
to the Notice of appeal.

CERTIFICATION OF SERVICE

I, Shirley E. Roussos, Appellant, certify that I did mail 2 copies to MichaelF. Flynn, Jr., Esq./ Geoffrey Gavett, Esq., 751 Rockville Pike, Rockville, Maryland 20852 (751ST), and 1 copy of this Jurisdictional Statement certified return receipt all, on this 23rd day of August, 1985 .

SHIRLEY E. ROUSSOS,
APPELLANT
10241 Ridgeline Drive
Gaithersburg, Maryland
20879

Notary 8/23/85